

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
v.)	04 CV 12655 RWZ
)	
\$6,442.00 IN U.S. CURRENCY,)	
Defendant.)	

**MOTION FOR AN ENLARGEMENT OF TIME TO FILE ANSWER
AND ANSWERS TO INTERROGATORIES**

Now comes claimant Hugo Carmona and moves this Honorable Court to enlarge the time during which he can file a timely answer to the complaint and answers to interrogatories.

1. The claimant requests the Court to enter an order which allows the claimant 20 days from the date the Court rules on his motion to dismiss which was filed with his claim. The claimant contends that the government's complaint is time barred and deficient with respect to the probable cause requirements of 21 U.S.C. § 881(d) and 19 U.S.C. § 1615.
2. Additionally, if the claimant desires and in lieu of filing his answer to the complaint and serving answers to the government's interrogatories, the claimant should be permitted to seek a stay of the forfeiture proceedings pursuant to 21 U.S.C. § 881(i) and 18 U.S.C. § 981(g)(2).

The claimant has filed his claim and, along with his claim, he has filed a motion to dismiss. Ordinarily, within 20 days of

filing his claim and pursuant to Sup.R.Adm.Claims C(6)(a)(i)(B)(iii) and C(6)(c), the claimant is required to file his answer to the complaint and serve answers to the interrogatories which the government served on the claimant along with its complaint.

The claimant's motion to dismiss may not be decided within 20 days. Accordingly, even if the claimant ultimately is required to answer the complaint, because there is a related criminal proceeding pending in the Malden, Massachusetts District Court, the claimant will be entitled to and probably will seek a stay pursuant to 21 U.S.C. § 881(i).

Government Assent

The United States, through AUSA Shelby Wright, opposes the claimant's motion to dismiss but assents to this motion and the attached proposed order.

Respectfully Submitted

HUGO CARMONA

By his attorney:

A handwritten signature in black ink, appearing to read "J. Thomas Kerner", is written over a horizontal line.

J. Thomas Kerner

MA BBO # 552373

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